

## **REMARKS/ARGUMENTS**

### **Status of Claims**

Claims 1-42 are pending in this application.

### **Formalities**

Applicants respectfully request the Examiner to formally accept the drawings.

Applicants thank the Examiner for previously acknowledging the priority documents.

### **Allowable Subject Matter**

Applicants thanks the Examiner for indicating that claims 2, 4-7 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, for indicating that claim 22 would be allowable if rewritten to overcome the objection and for indicating that claims 8-21 and 23-42 are allowed. Applicants believe that all claims are allowable.

### **Rejection of claims 1 and 3 under 35 USC § 103(a) as being unpatentable over Kim (US 6721908) in view of Chen (7245600)**

Applicants respectfully traverses this rejection because Kim does not preclude patentability under 35 USC § 103.

According to 35 USC § 103(c)(1), subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Kim qualifies as prior art only under 35 USC § 102(e) because Kim's application was filed on April 3, 2000 in the U.S. Patent and Trademark Office, and at the time the claimed invention was made, November 23, 2002 (provisional application) and/or November 24, 2003 (non-provisional application), Kim and the claimed invention were both owned by the same person or subject to an obligation of assignment to the same person, Samsung Electronics Co. Accordingly, Kim is disqualified as prior art under 35 USC § 103(c) and Kim does not preclude patentability under 35 USC § 103.

Applicants respectfully request the Examiner to withdraw the rejection under Kim and pass the application for allowance. If, however, in the next office action, the Examiner does not pass the application for allowance, Applicants respectfully request the Examiner to issue the next office action as non-final so Applicants are afforded the opportunity to respond.

Chen fails to make up for Kim's deficiencies.

Claims 1 and 3 are allowable.

### **Conclusion**

In view of the above, it is believed that the above-identified application is in condition for allowance, and notice to that effect is respectfully requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,



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